

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ALFRED CENTOFANTI,

Plaintiff,

V.

THE STATE OF NEVADA EX REL THE
NDOC, et al.,

Defendants.

Case No. 2:21-cv-00024-RFB-NJK

Order

[Docket No. 58]

Pending before the Court is Plaintiff's motion to amend. Docket No. 58. Defendants filed a response. Docket No. 59. Plaintiff filed a reply. Docket No. 61. The motion is properly resolved without a hearing. *See Local Rule 78-1.*

Plaintiff moves the Court for leave to amend his first amended complaint to correct certain defendants' names and to add additional defendants. Docket No. 58 at 2. Plaintiff, however, fails, in his proposed second amended complaint, in violation of Local Rule 15-1(a). Notwithstanding this procedural defect, Defendants submit that they do not oppose the substitution of Teodoro Manalang in place of Defendant Nurse Rio or granting them sixty days within which to accept service for Teodoro Manalang or provide his address to the Court. Docket No. 59. Defendants do, however, oppose the addition of the Estate of Scott Mattison¹ or his successor in interest to the complaint. *Id.* at 1-3.

Because it fails to comply with this Court's Local Rules, Plaintiff's motion to amend is IED without prejudice. Docket No. 58. However, because Defendants do not oppose some

¹ Plaintiff's motion discusses adding the Estate of Robert Faulkner to the complaint. Docket No. 58 at 2-3. Defendants' response, however, discusses the addition of the Estate of Scott Mattison to the complaint. Docket No. 59 at 1-3. Plaintiff's reply brief also refers to Scott Mattison. *See* Docket No. 61 at 3. Given these inconsistencies, the Court cannot be entirely sure who Plaintiff is attempting to add to the complaint. Because Scott Mattison is the individual discussed by both parties, the Court will assume for the purpose of this motion only that he is the proposed party to be added to the complaint.

1 of the relief Plaintiff seeks, the parties are **ORDERED** to meet and confer by August 7, 2023, to
2 discuss Plaintiff's proposed amendments and any modifications that may need to be made to this
3 case's scheduling order because of the proposed amendments or Plaintiff's eye surgery, *see* Docket
4 Nos. 58 at 3, 61 at 3. The Court encourages the parties to reach a consensus on these issues so as
5 to avoid further motion practice.

6 IT IS SO ORDERED.

7 Dated: July 26, 2023

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9 Nancy J. Koppe
United States Magistrate Judge

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